

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

ELECTRONICALLY FILED February 3, 2017 U.S. DISTRICT COURT Northern District of WV

ROVER PIPELINE LLC,

Plaintiff,

v.

Civil Action No. 5:17-CV-15 (Judge Stamp)

ROVER TRACT NO(S). WV-HA-HL-001.000-ROW-T AND
WV-HA-HL-002.000-ROW,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 3.86 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 7.20 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN BUTLER DISTRICT,
HANCOCK COUNTY, WEST VIRGINIA,
CONSISTING OF 201.11 ACRES AND 50.5 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 01-B32-0003-0000-0000 AND 01-B36-0044-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

4 Suns Ranch, LLC
c/o M. Eric Frankovich
337 Penco Road
Weirton, WV 26062

4 Suns Ranch, LLC
c/o Carl Frankovich, Esq. & Eric Frankovich, Esq.
Frankovich, Anetakis, Colantonio & Simon
337 Penco Road
Weirton, WV 26062

BP Construction LLC
Rt. 1 Box 284
Ronceverte, WV 24970

John J. Bernabei
19 Highview Cir.
Weirton, WV 26062

Ralph A. Fletcher, Sheriff of Hancock County, West Virginia
102 N. Court St.
P.O. Box 458
New Cumberland, WV 26047

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East, Building 1, Room W-100
Charleston, WV 25305

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Buckeye Oil Producing Co.
c/o Henry W. Sinnett
1923 Yellow Creek Rd.
Big Bend, WV 26136-8138

Statoil USA Onshore Properties Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-HA-HL-012.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.54 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 1.02 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN CLAY DISTRICT,
HANCOCK COUNTY, WEST VIRGINIA,
CONSISTING OF 102.107 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 03-C27-0094-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Adolf Frank Klakos
5577 Wylie Ridge Rd.
New Cumberland, WV 26047

Jo Ann Klakos
5577 Wylie Ridge Rd.
New Cumberland, WV 26047

The Heirs, Successors, and Assigns of J. O. Gardner
Unknown address

S. W. Gardner aka Samuel W. Gardner
Unknown address

K. C. Gardner
Unknown address

Jay O. Gardner
Unknown address

Ida Mae McCalmont
Unknown address

Roy Gardner
Unknown address

Elizabeth Barber
Unknown address

Ralph T. Gardner
Unknown address

Estate of William D. Elder
Unknwon address

Mary L. Elder
4265 Wylie Ridge Rd.
Weirton, WV 26062

Ralph A. Fletcher, Sheriff of Hancock County, West Virginia
102 N. Court St.
P. O. Box 458
New Cumberland, WV 26047

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East, Building 1, Room W-100
Charleston, WV 25305

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-HA-HL-014.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 2.55 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 4.53 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN CLAY DISTRICT,
HANCOCK COUNTY, WEST VIRGINIA,
CONSISTING OF 94 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 03-C27-0063-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Kathy Ann Mansell
2550 Shady Glen Rd.
New Cumberland, WV 26047

David C. Mansell
2524 Shady Glen Road
New Cumberland, WV 26047

David C. Mansell
2550 Shady Glen Road
New Cumberland , WV 26047

Northern Hancock Bank & Trust Co.
226 Washington St.
Newell, WV 26050

Ralph A. Fletcher, Sheriff of Hancock County, West Virginia
102 N. Court St.
P. O. Box 458
New Cumberland, WV 26047

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East, Building 1, Room W-100
Charleston, WV 25305

James M. Stanley
Unknown address

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Geneva McIntosh
Unknown address

J. C. McIntosh
Unknown address

T. Paul McIntosh
Unknown address

Daniel H. McIntosh
Unknown address

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-HA-HL-014.255-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.79 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.70 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN CLAY DISTRICT,
HANCOCK COUNTY, WEST VIRGINIA,
CONSISTING OF 13.6 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 03 -C27-0220-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

David C. Mansell
2524 Shady Glen Rd.
New Cumberland, WV 26047

David C. Mansell
2550 Shady Glenn Road
New Cumberland , WV 26047

Kathy Ann Mansell
2524 Shady Glen Rd.
New Cumberland, WV 26047

Northern Hancock Bank & Trust Co.
226 Washington St.
Newell, WV 26050

Ralph A. Fletcher, Sheriff of Hancock County, West Virginia
102 N. Court St.
P. O. Box 458
New Cumberland, WV 26047

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East, Building 1, Room W-100
Charleston, WV 25305

James M. Stanley
Unknown address

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-001.590-ROW-T, WV-MA-ML-001.590-PAR, WV-MA-ML-001.590-SSE-T, AND WV-MA-ML-007.970-TAR-1B, COMPRISED OF PERMANENT EASEMENT(S) TOTALING 3.51 ACRES, MORE OR LESS, AND TEMPORARY EASEMENT(S) TOTALING 2.52 ACRES, MORE OR LESS, OVER A PARCEL OF LAND IN SAND HILL DISTRICT, MARSHALL COUNTY, WEST VIRGINIA, CONSISTING OF 273.59 ACRES AND 238.393 ACRES, AND IDENTIFIED AS PARCEL NO(S). 12-14-0035-0000-0000, AS MORE PARTICULARLY DESCRIBED HEREIN

CONSOL Mining Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CNX Gas Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Noble Energy, Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Successors and Assigns of The Wheeling Terminal Railway Company
c/o Angela W. Konrad
611 Third Ave.
Huntington, WV 25701-1313

The Successors and Assigns of The Pittsburgh, Connellsville & Wheeling Railway Company
Unknown address

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

The Successors and Assigns of The Wheeling, Ohio & Eastern Railroad Co.
Unknown address

Columbia Midstream Group, LLC
c/o Corporation Service Company
2711 Centerville Rd.
Suite 400
Wilmington, DE 19808

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

West Virginia Department of Transportation, Division of Highways, and
Thomas J. Smith, P. E.,
Commissioner of Highways and Secretary of Transportation
1900 Kanawha Blvd. E
Charleston, WV 25305

MarkWest Liberty Midstream & Resources, L.L.C.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Cone Midstream Devco I LP
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Cone Gathering LLC
c/o Capitol Corporate Services, Inc.
206 E 9th St.
Suite 1300
Austin, TX 78701-4411

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

CONSOL Energy Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

David E. Bowyer
12088 Middle Island Rd.
Alma, WV 26320-7211

David E. Bowyer
c/o Gay Elmore
Elmore & Elmore
121 Summers St.
Charleston, WV 25301

HCC Investments, Inc.
c/o Wilmington Securities, Inc.
100 West Commons Boulevard
Suite 303
New Castle, DE 19720

William R. Johnson
Unknown address

Ewing B. Pollock
Unknown address

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-024.000-ROW-T AND WV-MA-ML-024.970-TAR-3,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 1.97 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 2.26 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN WEBSTER DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 44.882 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 15-02-0003-0005-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

ECO-Vrindaban, Inc. dba ECOV and ECO Village
Rural Route 6 Box 278B
Wheeling , WV 26003

ECO-Vrindaban, Inc. dba ECOV and ECO Village
c/o Douglas Fintel
Rd. 3 Box 278B
Wheeling, WV 26003

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Statoil USA Onshore Properties Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CONSOL Energy Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CONSOL Mining Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-026.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.75 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.73 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN WEBSTER DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,

CONSISTING OF 13.3 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 15-02-0003-0008-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Sham Shadeen Gaffoor
3176 McCreary's Ridge Rd.
Moundsville, WV 26041

Vidya Ramkaree
3176 McCrearys Ridge Rd.
Moundsville, WV 26041

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Statoil USA Onshore Properties Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Fossil Creek Ohio, LLC
1400 Brown Trail
Ste B
Bedford, TX 76022

CONSOL Energy Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CONSOL Mining Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-028.000-ROW-T
WV-MA-ML-029.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 3.30 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 2.15 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN WEBSTER DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 132.77 ACRES, MORE OR LESS, AND REMAINDER OF 87 ACRES,
AND IDENTIFIED AS
PARCEL NO(S). 15-02-0003-0000-0000
15-02-0002-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

ISKCON New Vrindaban, Inc.
c/o Lonna Hudson
3759 McCrearys Ridge Rd.
Moundsville, WV 26041

AMP Fund III L.P.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Statoil USA Onshore Properties Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Fossil Creek Ohio, LLC
1400 Brown Trail
Ste B
Bedford, TX 76022

CONSOL Energy Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CONSOL Mining Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-035.300-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.08 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.06 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 7.972 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-09-0025-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Leslie Ann Blythe
1149 Decker Court
Miamisburg, OH 45342

Larry Dean McWhorter
1149 Decker Ct.
Miamisburg, OH 45342

Larry Dean McWhorter
2703 Glenwood Ave
Moundsville, WV 26041

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Statoil USA Onshore Properties Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Pelican Energy, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CONSOL Energy Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

CONSOL Mining Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-055.000-ROW-T, WV-MA-ML-055.000-MJ-MLV-02A,
AND WV-MA-ML-055.970-PAR-7A,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 1.40 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.54 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 27.68 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-12-0035-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Mark D. Otte
224 Markey Hill Ln.
Glen Dale, WV 26038

Kelly J. Otte aka Kelley J. Otte
224 Markey Hill Ln.
Glen Dale, WV 26038

Michael P. Otte
26 John Deere Dr.
Glen Dale, WV 26038

Denise A. Otte
26 John Deere Dr.
Glen Dale, WV 26038

Flanick Berardi, Jr.
136 Dolores Dr.
Irwin, PA 15642

Agnes Berardi
136 Dolores Dr.
Irwin, PA 15642

West Virginia Department of Transportation, Division of Highways,
and Thomas J. Smith, P.E.,
Commissioner of Highways and Secretary of Transportation
1900 Kanawha Blvd. E
Charleston, WV 25305

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Marshall Land LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East, Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-055.500-ROW-T AND WV-MA-ML-055.971-PAR-7A,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 1.38 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 1.22 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 19.16 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-12-0035-0001-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Michael P. Otte
26 John Deere Dr.
Glen Dale, WV 26038

Denise A. Otte
26 John Deere Dr.
Glen Dale, WV 26038

Flanick Berardi, Jr.
136 Dolores Dr.
Irwin, PA 15642

Agnes Berardi
136 Dolores Dr.
Irwin, PA 15642

Mark D. Otte
26 John Deere Dr.
Glen Dale, WV 26038

Kelly J. Otte aka Kelley J. Otte
224 Markey Hill Ln.
Glen Dale, WV 26038

West Virginia Department of Transportation, Division of Highways, and
Thomas J. Smith, P. E.,
Commissioner of Highways and Secretary of Transportation
1900 Kanawha Blvd. E
Charleston, WV 25305

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Marshall Land LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East, Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-055.972-PAR-7A,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.20 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 1.2 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-12-0033-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Mark D. Otte
224 Markey Hill Ln.
Glen Dale, WV 26038

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Marshall Land LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-055.973-PAR-7A,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.02 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 1.324 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-12-0032-0001-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Hubert Charles Otte aka Hubert Chas Otte aka Hubert C. Otte
78 John Deere Dr.
Glen Dale, WV 26038

Jane E. Otte
78 John Deere Dr.
Glen Dale, WV 26038

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Marshall Land LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-055.974-PAR-7A,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.18 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 1.323 ACRES, AND IDENTIFIED AS

PARCEL NO(S). 13-12-0032-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Hubert Charles Otte aka Hubert Chas Otte aka Hubert C. Otte and Jane E. Otte, Trustees
of The Hubert C. Otte and Jane E. Otte Revocable Living Trust, Dated July 19, 2011
78 John Deere Dr.
Glen Dale, WV 26038

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Marshall Land LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-055.975-PAR-7A,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.07 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 1.329 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-12-0031-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Michael P. Otte
26 John Deere Dr.
Glen Dale, WV 26038

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Marshall Land LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
600 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-056.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.04 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.04 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 1.31 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-12-0029-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Sandrea M. Schane
2400 Waynesburg Pike Rd.
Moundsville, WV 26041

Sandrea M. Schane
2397 Waynesburg Pike
Moundsville, WV 26041

Hubert Charles Otte aka Hubert Chas Otte aka Hubert C. Otte, Trustee of The Hubert C.
Otte and Jane E. Otte Revocable Living Trust
78 John Deere Dr.
Glen Dale, WV 26038

Jane E. Otte, Trustee of The Hubert C. Otte and Jane E. Otte Revocable Living Trust
78 John Deere Dr.
Glen Dale, WV 26038

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Frontier West Virginia Inc.
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-057.000-ROW- T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 1.12 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 2.77 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 44.663 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-11-0062-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Kerry G. Foster
2235 Raleigh Dr.
Glen Dale, WV 26038

Cindy J. Foster
2235 Raleigh Dr.
Glen Dale, WV 26038

John R. Yanen
P.O. Box 184
Glen Dale, WV 26038

John R. Yanen
2074 Glen Dale Heights Rd.
Glen Dale, WV 26038-1089

Christine R. Yanen
P.O. Box 184
Glen Dale, WV 26038

Christine R. Yanen
2074 Glen Dale Heights Rd.
Glen Dale, WV 26038-1089

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-064.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.10 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.10 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 3.052 ACRES, AND IDENTIFIED AS
PARCEL NO(S).
13-11-0078-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Terry R. Fox
c/o Carla C. Fox on tax ticket
P.O. Box 165
Glen Dale, WV 26038

Terry R. Fox
301 W Hartford Ave.
Apt. 500
Ponca City, OK 74601-1522

Carla C. Fox
P.O. Box 165
Glen Dale, WV 26038

Carla C. Fox
604 Center Ave.
Apt. 6
Glen Dale, WV 26038-1651

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

The Successors and Assigns of the Co-operative Transit Company
Unknown address

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-066.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.39 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.35 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 4 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-11A-0001-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

The Heirs, Successors, and Assigns of Connie Lou Augustine aka Connie Lou Tucker
aka Connie Lou Kramerick
5017 Termano Rd. SE
Carrollton, OH 44615

Audry L. Tucker
2632 Laburnum Ave.
Charlotte, NC 28205

April L. Tucker-Craven
216 W. Pennsylvania Ave
Sebring, OH 44672

Amy L. Tucker
3 Marie Rd.
Washington, PA 15301

Kayla Thurmond
Unknown address

The Heirs, Successors, and Assigns of Benjamin Franklin Kerby
Unknown address

The Heirs, Successors, and Assigns of William Henry Judge
Unknown address

Terrel L. Melott
3905 Fairview Ridge Rd.
Wileyville, WV 26581

The Heirs, Successors, and Assigns of Leonard Eskey
Unknown address

The Heirs, Successors, and Assigns of Flora M. Eskey
Unknown address

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Frontier West Virginia Inc.
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Successors and Assigns of the Co-operative Transit Company
Unknown address

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-066.510-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.50 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.37 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF REMAINDER OF 8.3 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-11A-0007-0000-0000 AND 13-11A-0004-0001-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

The Heirs, Successors, and Assigns of John H. Showalter aka John Henry Showalter
Unknown address

The Heirs, Successors, and Assigns of Mary Evelyn Matesic
4 Mt. View
Mt. Olivet
Wheeling, WV 26003

The Heirs, Successors, and Assigns of Golda Virginia Matthess
Unknown address

Spencer David Showalter
Unknown address

Selesta Ann Showalter
Unknown address

Pamela Jo Showalter
Unknown address

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Frontier West Virginia Inc.
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

The Successors and Assigns of the Co-operative Transit Company
Unknown address

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-066.560-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.09 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.03 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF LOT 3 OF THE UNRECORDED PLAT OF THE B. F. KERBY
PROPERTY, AND IDENTIFIED AS
PARCEL NO(S). 13-11A-0008-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

West Virginia Department of Transportation, Division of Highways, and
Thomas J. Smith, P. E.,
Commissioner of Highways and Secretary of Transportation
1900 Kanawha Blvd. E
Charleston, WV 25305

Marjorie M. Games
509 11th St.
Moundsville, WV 26041

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Frontier West Virginia Inc.
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

The Successors and Assigns of the Co-operative Transit Company
Unknown address

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Kevin Cecil, Sheriff of Marshall County, West Virginia
Marshall County Courthouse
700 Sixth St.
P.O. Box 648
Moundsville, WV 26041

John B. McCuskey, West Virginia State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd. East
Building 1, Room W-100
Charleston, WV 25305

The Successors and Assigns of V. C. Industries, Inc.
Unknown address

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-MA-ML-066.561-TWS-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.06 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN UNION DISTRICT,
MARSHALL COUNTY, WEST VIRGINIA,
CONSISTING OF 0.50 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 13-11A-0011-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

West Virginia Department of Transportation, Division of Highways, and
Thomas J. Smith, P. E.,
Commissioner of Highways and Secretary of Transportation
1900 Kanawha Blvd. E
Charleston, WV 25305

Columbia Gas Transmission, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Wheeling Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Marshall Land LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

CNX RCPC LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-030.972-TAR-24-B AND
WV-TY-SHC-033.000-ROW-T-B,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 2.66 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 4.71 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN CENTERVILLE DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 108 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 01-07-0019-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Elma King
645 Dogwood Lane
Vermilion, OH 44089

The Heirs, Successors, and Assigns of Andrew Newton Fox
Unknown address

The Heirs, Successors, and Assigns of Anthony Wayne Fox
Unknown address

John Spezia
P.O. Box 772255
Steamboat Springs, CO 80477

John Spezia
642 Evans St.
Steamboat Springs, CO 80487-4917

Lois Y. Hively
1247 Deanwood Rd.
Baltimore, MD 21234

Robert Levi Rees, Jr.
83 Trout Brook Rd.
Roulette, PA 16746

Mary Rees Core
7716 Road R7
Columbus Grove, OH 45830

Louise Knight
232 Westland Ave. South
Williamsport, PA 17702

Dawn M. Welsh
32 Shea St.
Austin, PA 16720

Bobbi Jo Olivett
121 E 5th St.
Emporium, PA 15834

John W. Rees
419 E Honeoye St.
Shinglehouse, PA 16748

Victoria L. Copp
1770 Old West Creek Rd.
Emporium, PA 15834

Jeanne Miglico
P.O. Box 230
Emporium, PA 15834

Nancy Rees Rudolph
1885 First Fork Rd.
Austin, PA 15834

Bradley J. Rees
203 Hickory Way
Central Square, NY 13036

Bonita Bauer
2442 Plank Rd. Hollow
Emporium, PA 15834

Karen Marshall
9260 West Stirrup Dr.
Boise, ID 83709

Donna Ahrens
454 South Broad St.
Jersey Shore, PA 17740

Charles Wray Fanton
39 Cumberland St.
Groveton, NH 03582

Bruce W. Fanton
2863 Oakwood Ave.
Southington, OH 44470

LaDonna Favinger
3617 Beeson Ct.
Las Vegas, NV 89130

William Fanton, Jr.
1825 Minneapolis
Orlando, FL 32765

Juanita Lynn Willerton
982 Geneva Dr.
Oviedo, FL 32765

Mary Louise Fanton
11937 N 114th Ave. 1818
El Mirage, AZ 85335

Robert C. Martin
715 N. Main St.
Coudersport, PA 16915

Robert C. Martin
P.O. Box 373
Coudersport, PA 16915

Janice K. Freeland Lancaster
5769 Tyler Hwy.
Sistersville, WV 26175

The Heirs, Successors, and Assigns of Georgia Anna Swan Freeland
Unknown address

George G. Hamilton
2812 McElroy Creek Rd.
Alma, WV 26320

Gary L. Hamilton
102 Big Flint Rd.
West Union, WV 26456

Charles E. Hamilton, Jr.
17095 WV Route 23 N.
West Union, WV 26456

Michael R. Hamilton
7317 S County Rd. 750E
Plainfield, IN 46168

Cathy Hamilton aka Cathy Qualio
2315 Ellen Dr.
LaFayette, IN 47909

Phillip A. Tallman
300 Seven Acres Rd.
Parkersburg, WV 26104

Jill E. Haight, Co-Trustee of the Terry T. Tallman Testamentary Trust
202 Paducah Dr.
New Martinsville, WV 26155

Todd E. Tallman, Co-Trustee of the Terry T. Tallman Testamentary Trust
Unknown address

George H. Strachan
485 Kenora Dr.
Millersville, MD 21108

Sheryl A. Strachan
Rt. 2 Box 383
Ridgeley, WV 26753

Alfred C. Strachan
6080 N. Escondido Lane
Tucson, AZ 85704

Shirley Iris Young
7950 Queens Road
Glen Burnie, MD 21061

Mary E. Lohr
525 Maryland Ave.
Apt B.
Cumberland, MD 21502

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Sharon Bohrer aka Sharon K. Wilson
593 Carskabon Rd.
Keyser, WV 26726

April Chaney aka April Cauthen
P.O. Box 2875
Citrus Heights, CA 95611

April Chaney aka April Cauthen
11154 113th Ave.
Largo, FL 33778-3115

Aubrey Strachan
525 Maryland Ave.
Apt. B.
Cumberland, MD 21502

Joshua Strachan
Unknown address

Thomas M. Hughes
110 Summit Dr.
Williamstown, WV 26187

Long Reach Federal Credit Union
3450 So. State Rt. 2
Friendly, WV 26146

Oxy USA, Inc.
5 Greenway Plaza
Suite 110
Houston, TX 77046

BP Mineral Holdings II LLC
c/o Capitol Corporate Services, Inc.
206 E 9th St.
Suite 1300
Austin, TX 78701-4411

Somerset Minerals, LP
14860 Montfort Drive
Suite 209
Dallas, TX 75254

Tri Wind Down Corporation
c/o Kean Weaver
27724 State Route 7
Marietta, OH 45750

Pennzoil-Quaker State Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Successors and Assigns of L & M Associates
Unknown address

CNX Gas Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Middle Island Creek Transportation Corporation
Unknown address

Eureka Midstream, LLC
c/o Corporation Service Company
209 W. Washington St.
Charleston, WV 25302

SWN Production Company, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Noble Energy Inc.
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Waco Oil & Gas Co., Inc.
c/o I. L. Morris
P.O. Box 397
Glenville, WV 26351

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-036.970-PAR-24A-B AND
WV-TY-SHC-037.000-SW-MLV-02-B,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.21 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN CENTERVILLE DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 74.71 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 01- 07-0003-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Robert A. Davis
HC 69 Box 12
Middlebourne, WV 26149

Robert A. Davis
988 Middle Island Road
Middlebourne, WV 26149

Robert A. Davis
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

May Ross Hamilton
Unknown address

Stephanie D. McGowan
4675 Redbay Way
Sarasota, FL 34241

James H. Dean
1671 Bay View Drive
Sarasota, FL 34239

Robert Dean
6701 South Gator Creek Blvd.
Sarasota, FL 34241

Richard L. Barnard
13785 Pullman Road
Pennsboro, WV 26415

Gary A. Barnard
522 Meadowbrooke Lane
Kenna, WV 25248

Barbara Barnard
522 Meadowbrooke Lane
Kenna, WV 25248

Alma A. Barnard
954 Maple Lane
Sistersville, WV 26175-9799

Richard Hall Barnard
225 Spring Run Rd.
Pennsboro, WV 26415-5582

Peggy Ellen Wince
3945 Pike Rd.
Ellenboro, WV 26346-6765

The Successors and Assigns of South Penn Natural Gas Company
Unknown address

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Tyler Construction Company, Inc.
c/o John G. Corp
210 2nd St.
P.O. Box 393
St. Marys, WV 26170

CNX Gas Company LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Aaron C. Boone, Attorney-in-fact for Jared Pogoloff
Bowles Rice
P.O. Box 49
Parkersburg, WV 26102

Jared Pogoloff
c/o Bowles Rice
P.O. Box 49
Parkersburg, WV 26101

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-045.000-ROW-T-B
AND WV-TY-SHC-045.970-TAR-25C-B,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 2.03 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 4.25 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN MEADE DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 69 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 06-06-0007-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Donald R. Baker, Co-Trustee of the Baker Keystone Trust
Unknown address

Delores E. Baker, Co-Trustee of the Baker Keystone Trust
120 Fernwood Ave.
Weirton, WV 26062

Successors and Assigns of the Inland Telephone and Telegraph Company
Unknown address

American Frontier Exploration, Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Verizon Communications Inc.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Fund 1 DR, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Republic Energy Ventures, LLC
c/o Trans Energy, Inc.
210 Second St.
St. Marys, WV 26170

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Sancho Oil and Gas Corporation
c/o Loren E. Bagley
P.O. Box 179
St. Marys, WV 26170

Diversified Oil & Gas, LLC
P.O. Box 381087
Birmingham, AL 35238

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-081.000-ROW,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.38 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.75 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN LINCOLN DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 4.17 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 04-12-0076-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Larry H. Helmick
553 Tyler Hwy.
Sistersville, WV 26175

Larry H. Helmick
2353 Tyler Hwy
Sistersville, WV 26175-9150

Larry H. Helmick
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
553 Tyler Hwy.
Sistersville, WV 26175

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
2353 Tyler Hwy
Sistersville, WV 26175-9150

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

Frances McCormick
15111 Mount Eaton Rd.
Rittman, OH 44270-9508

Roberta L. Schickler
727 State St.
Wadsworth, OH 44281

Larry A. Wells
269 Greenwood Rd.
Sistersville, WV 26175-7093

Harold L. Marshall, Jr.
161 Orchard Ln.
Wellsburg, WV 26070-2245

Linda K. Marshall
Unknown address

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Atlantic Richfield Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Successors and Assigns of West Virginia Light, Heat and Power Company
Unknown address

The Successors and Assigns of American Oil Development Co.
Unknown address

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Friendly Public Service District
732 Friendly Hill Rd.
Friendly, WV 26146

Triad Hunter, LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-081.300-TWS,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.06 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN LINCOLN DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 0.454 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 04-12-0073-0001-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Larry H. Helmick
553 Tyler Hwy.
Sistersville, WV 26175

Larry H. Helmick
2353 Tyler Hwy
Sistersville, WV 26175-9150

Larry H. Helmick
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
553 Tyler Hwy.
Sistersville, WV 26175

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
2353 Tyler Hwy
Sistersville, WV 26175-9150

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

Frances McCormick
15111 Mount Eaton Rd.
Rittman, OH 44270-9508

Roberta L. Schickler
727 State St.
Wadsworth, OH 44281

Larry A. Wells
269 Greenwood Rd.
Sistersville, WV 26175-7093

Harold L. Marshall, Jr.
161 Orchard Ln.
Wellsburg, WV 26070-2245

Linda K. Marshall
161 Orchard Ln.
Wellsburg, WV 26070-2245

Atlantic Richfield Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Successors and Assigns of American Oil Development Co.
Unknown address

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

The Friendly Public Service District
732 Friendly Hill Rd.
Friendly, WV 26146

Triad Hunter, LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-082.300-ROW,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.10 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.46 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN LINCOLN DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 2.803 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 04-12-0073-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Larry H. Helmick
553 Tyler Hwy.
Sistersville, WV 26175

Larry H. Helmick
2353 Tyler Hwy
Sistersville, WV 26175-9150

Larry H. Helmick
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
553 Tyler Hwy
Sistersville, WV 26175

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
2353 Tyler Hwy
Sistersville, WV 26175-9150

Elizabeth Ann Helmick fka Elizabeth A. Sgalla
c/o Christian E. Turak
Gold Khourey & Turak, LC
510 Tomlinson Ave.
Moundsville, WV 26041

First Federal Savings Bank dba WesBanco Bank, Inc.
c/o Julie C. Kroll
One Bank Plaza
Wheeling, WV 26003

First Federal Savings Bank dba WesBanco Bank, Inc.
c/o Sistersville Bancorp
726 Wells Street
Sistersville, WV 26175

Frances McCormick
15111 Mount Eaton Rd.
Rittman, OH 44270-9508

Roberta L. Schickler
727 State St.
Wadsworth, OH 44281

Larry A. Wells
269 Greenwood Rd.
Sistersville, WV 26175-7093

Harold L. Marshall, Jr.
161 Orchard Ln.
Wellsburg, WV 26070-2245

Linda K. Marshall
161 Orchard Ln.
Wellsburg, WV 26070-2245

Atlantic Richfield Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Successors and Assigns of American Oil Development Co.
Unknown address

Frontier West Virginia Inc.
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

The Friendly Public Service District
732 Friendly Hill Rd.
Friendly, WV 26146

Triad Hunter, LLC
c/o Corporation Service Company
209 West Washington St.
Charleston, WV 25302

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-088.974-TAR-31,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 0.00 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 0.20 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN LINCOLN DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 5 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 04-08-0038-0001-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Dana B. Bohrer
172 Greenwood Rd.
Sistersville, WV 26175

Mary Claire Bohrer
172 Greenwood Rd.
Sistersville, WV 26175

Dana Lynn Shields
Unknown address

Corey Brett Bohrer
1165 Greenwood Rd.
Sistersville, WV 26175

Shawn Adair Bohrer
Unknown address

Robert L. Keller
P.O. Box 252
Middlebourne, WV 26149

Robert L. Keller
108 Miller St.
Apt 3
Middlebourne, WV 26149

Victoria L. Keller
1045 Greenwood Rd.
Sistersville, WV 26175

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

ROVER TRACT NO(S). WV-TY-SHC-108.000-ROW-T,
COMPRISED OF PERMANENT EASEMENT(S)
TOTALING 2.60 ACRES, MORE OR LESS,
AND TEMPORARY EASEMENT(S)
TOTALING 5.11 ACRES, MORE OR LESS,
OVER A PARCEL OF LAND IN LINCOLN DISTRICT,
TYLER COUNTY, WEST VIRGINIA,
CONSISTING OF 36 ACRES, AND IDENTIFIED AS
PARCEL NO(S). 04-05-0041-0000-0000,
AS MORE PARTICULARLY DESCRIBED HEREIN

Carrie Roberta Blake
199 RR2
Wellsburg, WV 26070-9522

Delbert E. Williams
Unknown address

Charles Nelson Williams
Grantown Fairview Rd.
Beech Bottom, WV 26030

Mary Ruth Collins
Unknown address

Thurman U. Williams
311 Pettit Hwy.
Wellsburg, WV 26070

Cheryl Ann Cowan
2049 Rock Woods Rd.
Valley Grove, WV 26060-1028

Heritage Resources - Marcellus Minerals, LLC
c/o CLG Corporate Services, L.L.C.
5520 North Francis Ave.
Oklahoma City, OK 73118

The Heirs, Successors, and Assigns of Eliva B. Van Camp aka Eliva B. Elliott
Unknown address

The Heirs, Successors, and Assigns of Martin L. Medis
Unknown address

Monongahela Power Company
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

Antero Resources Corporation
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

The Heirs, Successors, and Assigns of Lorenzo D. Holmes
Unknown address

The Heirs, Successors, and Assigns of George L. Holmes
Unknown address

The Heirs, Successors, and Assigns of Emma Dieterich aka Emma Dieterick
Unknown address

The Heirs, Successors, and Assigns of Okey W. Jacobs
Unknown address

The Heirs, Successors, and Assigns of Dessie L. Jacobs
Unknown address

Any Heirs, Successors, and Assigns of the Above-Named Defendants

Any Unknown Owners

VERIFIED COMPLAINT FOR CONDEMNATION

Plaintiff Rover Pipeline LLC (“Rover”), by and through counsel, files this Verified Complaint for Condemnation (“Verified Complaint”) pursuant to the Natural Gas Act (“NGA”), 15 U.S.C. § 717f(h) and Federal Rule of Civil Procedure 71.1. Rover seeks an order of condemnation for the permanent pipeline, temporary work space, surface site, permanent and temporary road access, and other rights-of-way and easements (the “Easements”), which are described in paragraphs 29 through 48 of this Verified Complaint and identified, described, and depicted on **Exhibit A** attached hereto and incorporated herein, and for such other legal and equitable relief as may be appropriate, specifically including injunctive relief allowing Rover to enter the Easements and commence and complete clearing, construction, and restoration efforts while the amount of just compensation due to Defendants for the taking is resolved in this action.

Jurisdiction, Venue, and Authority for Taking

1. Rover is the holder of a Certificate of Public Convenience and Necessity (“Certificate”) issued on February 2, 2017, by the Federal Energy Regulatory Commission (“FERC”), under Docket Nos. CP15-93-000, CP15-93-001, CP15-94-000, and CP15-96-000, 158 FERC ¶ 61,109, a true and correct copy of which is attached hereto as **Exhibit B** and incorporated herein, to construct, operate, and maintain an interstate natural gas pipeline system consisting of approximately 713 miles of new 24” to 42” diameter natural gas pipelines and appurtenant facilities (510.7 linear miles of pipeline easement and 713 total miles of pipe therein) that include approximately 10 new compressor stations, 17 new meter stations, 77 mainline valves, and 11 pig launcher and receiver facilities, with a total system capacity of up to 3.25 billion cubic feet per day (Bcf/d) of natural gas supply from the Marcellus and Utica Shale producers and traversing through Doddridge, Hancock, Marshall, Tyler, and Wetzel Counties in

West Virginia; Ashland, Belmont, Carroll, Crawford, Defiance, Fulton, Hancock, Harrison, Henry, Jefferson, Monroe, Noble, Richland, Seneca, Stark, Tuscarawas, Wayne, and Wood Counties in Ohio; Washington County in Pennsylvania; and Lenawee, Washtenaw, and Livingston Counties in Michigan, through interconnections with existing pipeline infrastructure in Ohio and Michigan to supply interstate natural gas pipelines and storage facilities as well as markets in the Gulf Coast, Midwest, Southeast, East Coast, and Canadian regions (the “Rover Project”). The Rover Project represents an approximate \$4.2 billion investment of private funds for public infrastructure under the Natural Gas Act.

2. This is a civil action for the taking of property interests under the power of eminent domain and for the determination and award of just compensation to the Surface Owners and Other Parties-in-Interest as identified on **Exhibit A**. The authority for the taking is 15 U.S.C. § 717f(h), which grants federal jurisdiction as Rover is the holder of a Certificate; it needs to acquire the Easements, which are necessary to the construction of its pipeline system; and it has been unable to acquire the Easements. Additionally, jurisdiction exists under 28 U.S.C. §1331, because this action arises under the laws of the United States, and under 28 U.S.C. § 1337, because this action arises under an Act of Congress regulating interstate commerce.

3. Pursuant to 15 U.S.C. § 717f(h), the compensation demanded or claimed by the owner or owners of each tract to be burdened by the Easements on, over, across and/or under each such tract exceeds \$3,000.00.

4. Rover has not been able to acquire by contract and/or is unable to agree as to the amount of compensation to be paid for the Easements by Rover to the owner or owners of the tracts or interests therein that are to be burdened by the Easements.

5. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) because a substantial part of the properties that are the subject of this action are situated within this judicial district and it is proper to join all of the Easements identified on **Exhibit A** in this action.

6. No jury trial is demanded.

Parties

7. Rover is a natural gas company as defined by Section 2(a) of the Natural Gas Act, 15 U.S.C. § 717a(6). Rover is a Delaware limited liability company with a principal place of business at 8111 Westchester Drive, Suite 600, Dallas, Texas 75225. It is registered to do business in and is engaged in business in the states of West Virginia, Pennsylvania, Ohio, Michigan, and within this federal district.

8. Rover is a company organized for the purpose, among other things, of transporting natural gas in interstate commerce through pipes and conduits, and is an interstate natural gas company within the meaning of the Natural Gas Act, 15 U.S.C. §§ 717a(6), and as such, is qualified to construct, own, operate, and maintain pipelines for the transmission of natural gas in interstate commerce.

9. Pursuant to the Certificate, FERC has determined that the Rover Project will serve the public convenience and necessity by, among other things, providing the public with a safe and reliable interstate pipeline system for the transportation of domestic supply of natural gas from the Utica and Marcellus shale production areas in Ohio, Pennsylvania, and West Virginia. The Easements sought herein are needed by Rover to survey, construct, lay, maintain, inspect, erect, alter, operate, protect, and repair (among other rights as specified herein) the Rover Project for the transportation of natural gas in interstate commerce and to fulfill the public purposes for which the Certificate was issued. *See* Ex. B, at ¶ 58.

10. The persons and entities whose names could be ascertained by a reasonably diligent search of the records as owning or claiming any interest in the tract or tracts on, over, across and/or under which the Easements are to be situated (the “Parent Tracts”), and who have not yet executed an easement or other agreement with Rover, are identified, depicted or described on either **Exhibit A** hereto or in the civil action being filed contemporaneously with this civil action, and those identified on **Exhibit A** hereto are collectively referred to herein as “Defendants.”

11. There may be others who have or may claim some interest in the Parent Tracts, whose names could not be ascertained by a reasonably diligent search of the records. These persons and/or entities are made parties to this action under the designation of “Unknown Owners” pursuant to Federal Rule of Civil Procedure 71.1(c)(3).

12. The amount of the property sought for such Easements, as well as the location of all Easements sought to be condemned in this action are within the scope of the Certificate and are necessary for the operation of the Rover Project. A map depicting the Rover Project’s overall approved route through West Virginia, Ohio, Pennsylvania, and Michigan is attached hereto as **Exhibit C**.

13. Rover has voluntarily acquired the majority of the Easements necessary for the Rover Project, and has negotiated with owners in an attempt to purchase amicably the Easements on, over, across, and/or under the Parent Tracts necessary to construct, operate, and maintain the Rover Project, but has not been able to reach an agreement in this regard.

14. Therefore, it is necessary for Rover to exercise its right of eminent domain under Section 717f(h) of the Natural Gas Act to acquire the necessary Easements for the Rover Project.

The Rover Project

15. The Rover Project will provide daily take-away capacity of 3.25 billion cubic feet (Bcf/day) of natural gas to satisfy the take-away capacity needs of Marcellus and Utica shale gas producer-shippers.

16. The Rover Project represents an approximate \$4.2 billion investment in energy infrastructure in the United States.

17. Pursuant to the Certificate, Rover must complete the authorized construction of the proposed facilities and make them available for service by the in-service date specified in the Certificate (“In-Service Date”).

18. Rover has entered into binding Precedent Service Agreements with shippers for long-term firm transportation service for over Ninety-Five Percent (95%) of the 3.25 Bcf/day of the Rover Project’s design capacity. In order to satisfy the requirements of the Precedent Service Agreements, Rover must expeditiously commence construction.

19. The proposed construction schedule and In-Service Date for the Rover Project are driven by the public need for providing a means of transporting large volumes of stranded natural gas to market.

20. The Rover Project is a complex project that involves numerous stakeholders, including gas producers and shippers, landowners, consumers, as well as numerous governmental agencies, including FERC, the United States Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), the United States Fish & Wildlife Service (USFWS), the Ohio Environmental Protection Agency (OHEPA), the Ohio Department of Natural Resources (ODNR), the Ohio State Historic Preservation Office (OH SHPO), the West Virginia Department of Environmental Protection (WVDEP), the West Virginia Division of

Natural Resources (WVDNR), the West Virginia Division of Culture and History (WVDCH), the Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Department of Conservation and Natural Resources (PADCNR), the Pennsylvania Fish and Boat Commission (PAFBC), the Pennsylvania Game Commission (PAGC), the Pennsylvania Historical and Museum Commission (PHMC), the Michigan Department of Environmental Quality (MDEQ), the Michigan Department of Natural Resources (MDNR), and the Michigan State Housing Development Authority (MSHDA).

21. Per the Certificate, the construction of the Rover Project must comply with applicable environmental permits, approvals, and regulations. *See* Ex. B, ¶ 281(F)(3).

22. As part of the Certificate issuance process, a Final Environmental Impact Statement (“FEIS”) was issued by FERC, which assessed the potential environmental effects of the construction and operation of the Rover Project, and concluded that the Rover Project, when constructed and operated in accordance with applicable laws and regulations, and the mitigating measures discussed in the FEIS and the FERC’s recommendations therein, adverse environmental impacts will be reduced to acceptable levels. FEIS findings are attached hereto as **Exhibit D** and are incorporated herein.

23. Per the FEIS and the Certificate, to reduce impacts, if any, on protected species of wildlife, Rover must adhere to the USFWS tree felling windows of November 15 to March 31 in West Virginia, and October 1 to March 31 in all other states. Ex. D, at 4 -123, 134.

24. Rover must complete all tree-felling activities for the Rover Project before March 31, 2017, to be able to meet the contractual in-service date that Rover’s producer-shippers are counting on in entering into precedent agreements with Rover for shipment of natural gas

through the Rover Project, with the applicable regulations and Rover's obligations as set forth in the FEIS and the Certificate.

25. In order to comply with all environmental regulations, while still staying on schedule to complete the Rover Project by the FERC-required In-Service Date, and comply with its tree-felling contracts, Rover must begin tree-felling immediately, so that it can complete such tree felling by no later than March 31, 2017.

26. The construction schedule for the Rover Project is constricted and involves an enormous logistical effort that will require the careful coordination of multiple crews of approximately 15,000 construction workers performing various stages of work sequentially in an assembly-like fashion along the construction corridor of 510.7 linear miles at a rate (distance per day) that is affected by topography, road and stream crossings, and other factors.

27. To meet all of its shippers' needs and those of its shippers' customers, while at the same time complying with applicable regulations and Rover's obligations as set forth in the Certificate, Rover must begin construction immediately.

28. Timing is of the essence, and maintaining the project schedule is critical, as a delay in construction of the Rover Project would likely prevent Rover from meeting the needs and requirements of its shipping while at the same time complying with its FERC obligations under the Certificate.

Count One: Condemnation of Property Interests to Be Acquired and Property Use

29. The interests to be acquired by Rover are non-exclusive fifty feet (50') (for single line) and sixty feet (60') (for dual lines) wide permanent pipeline rights-of-way and easements (the "Permanent Pipeline Easements") as same are identified, described, and depicted on **Exhibit A** hereto, to survey, construct, lay, maintain, inspect, erect, alter, operate, protect, repair, replace with same or lesser size pipe, remove and/or abandon in place one or two pipeline or pipelines in

the fifty feet (50') wide or alternatively sixty feet (60') wide permanent easements more fully identified, described, and depicted on **Exhibit A** hereto, said pipeline or pipelines not to exceed 42 inches in nominal diameter (the "Pipeline or "Pipelines"), as set forth on **Exhibit A**, and located within such Permanent Pipeline Easements, together with such below ground valves (unless a surface site easement is sought, in which case, Rover seeks to have the right to place both the valve and related equipment above ground), and below ground fittings, above ground corrosion control devices, and below ground wires, cables, and other equipment and appurtenances, and above ground cathodic protection test leads and pipeline markers, as may be necessary or convenient for the construction, operation, and maintenance of the Pipeline or Pipelines (collectively, the "Facilities") under, upon, across, and through the Parent Tracts as identified, described, and depicted on **Exhibit A**.

30. Rover also seeks to condemn non-exclusive temporary workspaces and additional temporary workspaces identified, described, and depicted on **Exhibit A** hereto (collectively, the "Temporary Workspace Easements"). Each of the foregoing Temporary Workspace Easements shall be used by Rover solely for the initial construction of the Pipeline or Pipelines in the Permanent Pipeline Easements and for the restoration and remediation of the land after initial construction and shall expire upon completion of the initial construction and restoration and remediation or upon the expiration of twenty-four months from the commencement of construction in the county in which the Temporary Workspace Easement at issue is located, whichever occurs first. Thereafter, all of Rover's privileges and rights on or to use of the Temporary Workspace Easements shall terminate.

31. Rover also seeks to condemn exclusive permanent surface easements (collectively, the "Surface Site Easements") to be used solely for the Pipeline or Pipelines for the

purpose of constructing, maintaining, operating, removing, changing the size of, relocating, replacing, protecting, and repairing both surface and subsurface pipelines, pumps, launching-receiving equipment, flares, communication equipment, generators, dehydrators, separators, valves, risers, electrical equipment (including but not limited to MCC buildings/transformers/substations) electrical lines, wires, cables, meters, meter houses, meter runs, buildings and any and all other devices, equipment, and structures incident or necessary to the regulation, control, measurement, treatment, transportation, and distribution of natural gas, as identified, described, and depicted on **Exhibit A** hereto, together with the right to enclose said easements by fences and the further right, at the expiration of the use of said easements for one or more of such purposes, to retain possession and control of said easements for a reasonable period of time thereafter within which to remove said pipelines and all other properties of whatever character or description placed or constructed by Rover upon said easements. Rover shall have no right to place any compressors on the Surface Site Easements. Rover, at its option, shall erect and maintain around, but within the easement for the Surface Site Easements, a wooden or chain link fence, trees, or shrubbery or flowers.

32. Rover also seeks to condemn non-exclusive (1) permanent road access easements (“Permanent Road Access Easements”), and (2) during the initial construction of the Pipeline or Pipelines only, temporary road access easements (“Temporary Road Access Easements”), to be used by Rover solely for the purpose of ingress and egress to and from public roads and other easements to which Rover has the right of access to and from the Permanent Pipeline Easements, the Temporary Workspace Easements and the Surface Site Easements. The Temporary Access Easements shall expire upon completion of the initial construction and restoration or the expiration of twenty-four months from the commencement of construction in the county in

which the Temporary Road Access Easement as issue is located, whichever occurs first. Rover shall not prevent the owner of the lands burdened with the Permanent Road Access Easements and/or the Temporary Road Access Easements from utilizing the roadways within such Easements. With respect to the Temporary Road Access Easements, Rover will, prior to termination of same, restore the roadways located within such easements to the same or better condition that existed immediately prior to Rover's use thereof, to the extent reasonably practicable. With respect to the Temporary Road Access Easements (while same are in effect) and the Permanent Road Access Easements, Rover shall have the right to use, repair, improve and/or maintain any existing roads located therein and/or to construct, use, repair, improve, place and/or maintain thereon new roadways and, within the Permanent Road Access Easements, construct, install, maintain, and replace poles, wires, and cables as are necessary to provide electricity and/or communication capabilities to the Pipeline or Pipelines and valves and/or other facilities located on the Surface Site Easements, and Rover shall maintain and upkeep to a reasonable state of repair any roads currently situated on or constructed on the Permanent Road Access Easements.

33. The right to use the Easements shall belong to Rover and its agents, employees, designees, contractors, guests, invitees, successors, and assigns, and all those acting by or on behalf of it for the above-stated purposes. Rover seeks the right of ingress and egress over, across, and through the Permanent Pipeline Easements, the Temporary Workspace Easements (while they remain in effect), the Surface Site Easements, the Temporary Road Access Easements (while they remain in effect), and the Permanent Road Access Easements, and to access same from other rights-of-way or easements and roads, to which Rover has the right of access, for the above-stated purposes and for all other purposes necessary and at all times

convenient and necessary to exercise the rights granted by the Certificate as applied and enforced by this Court.

34. No pipeline or permanent facility of any kind or character shall be constructed by Rover on the Temporary Work Space Easements or the Temporary Road Access Easements.

35. Pursuant to the Easements sought herein, Rover shall have the right to construct, maintain, and change slopes of cuts and fills to ensure proper lateral and subjacent support and for drainage for the Facilities, and shall have the right to remove trees, brush, crops, and other vegetation and obstructions from the Permanent Pipeline Easements and Temporary Workspace Easements (while they remain in effect).

36. Pursuant to the Easements sought herein, Rover shall have the right to install, maintain, and use gates in all fences which now cross or may cross the Permanent Pipeline Easements or which provide access to the Parent Tracts where the Easements intersect same; and Rover shall have the right to install its own lock, if Rover so chooses, and Rover and the owners of the Parent Tracts shall have access (i.e., interlocking locks) through such gates. Rover and its designated contractors, employees, and invitees shall keep all gates in fences closed at all times, except when passing through same, so that cattle, horses and/or other livestock located on the Parent Tracts cannot stray from fenced pastures. Rover shall have no right to fence or enclose the Permanent Pipeline Easements, but shall have the right to fence all the Surface Site Easements. Rover shall, during the initial construction operations, maintain suitable crossings on, over, and across the Permanent Pipeline Easements.

37. If any of the lands within the Easements are subject to valid and subsisting oil and gas leases, coal leases, surface leases, pipeline easements or easements for other purposes, Rover's Easement rights acquired hereunder from and against the owners of such leases and/or

easements are (i) acquired only to extent necessary to carry out the rights granted Rover under the Easements sought, and (ii) to be exercised by Rover so as to not unreasonably interfere with existing rights of such owners, provided, however, that Rover shall be entitled in all events to use the Easements to carry out the purposes approved by the FERC in the Certificate. Rover has named such owners to the extent they claim some interest in the lands burdened by the Easements sought by Rover. Defendants who own any interest in a valid and existing lease and/or easement may use lands lying within the Permanent Pipeline Easements and Permanent Road Access Easements for the uses authorized under the applicable lease and/or easement, provided such uses do not destroy or unreasonably interfere with Rover's permitted uses. As to all remaining Defendants, such Defendants (i) may use lands lying within the Permanent Pipeline Easements and Permanent Road Access Easements for all purposes which do not destroy or interfere with Rover's permitted uses of same, including, without limitation, agricultural, open space, setback, density, street, utility, and roadway purposes; (ii) after review and approval by Rover which will not be unreasonably withheld, may construct and install any and all streets and roadways, at any angle of not less than forty-five degrees (45°) to Rover's Facilities, across the Permanent Pipeline Easements which do not interfere with, damage, destroy or alter the operation of the Facilities; (iii) may construct and/or install water, sewer, gas, electric, cable TV, telephone or other utility lines across the Permanent Pipeline Easements at any angle of not less than forty-five degrees (45°) to Rover's Facilities, across the Permanent Pipeline Easements which do not interfere with, damage, destroy or alter the operation of the Facilities, and provided that all of Rover's required and applicable spacings, including depth separation limits and other protective requirements are met; and (iv) may construct and/or install water, sewer, gas, electric, cable TV, telephone or other utility lines across the Permanent Road Access Easements so long

as such construction, installation, and maintenance of same does not unreasonably interfere with Rover's use of same, or damage or destroy the roads located within such easements.

38. The use of the lands within the Easements shall be regulated by all appropriate and then applicable ordinances, regulations, resolutions or laws of any governmental entity having authority over same. Defendants must notify Rover in writing before the construction or installation of any streets, roadways, utilities or other encroachments on the Permanent Pipeline Easements and/or the Permanent Road Access Easements.

39. Defendants may not use any part of the Permanent Pipeline Easements and/or the Permanent Road Access Easements if such use may damage, destroy, injure, and/or interfere with the Rover's use of same for the permitted uses hereunder. Defendants, except for those Defendants who have rights to do so under valid and subsisting leases and/or easements, are not permitted to conduct any of the following activities on the Permanent Pipeline Easements and/or the Permanent Road Access Easements without the prior written permission from Rover: (i) construct any temporary or permanent building or site improvements, other than streets and roads as provided above; (ii) drill or operate any well; (iii) remove soil or change the grade or slope; (iv) impound surface water; or (v) plant trees or landscaping. Notwithstanding anything herein to the contrary, no above or below ground obstruction that may destroy or materially interfere with Rover's permitted uses shall be placed, erected, installed or permitted within or upon the Permanent Pipeline Easements and/or the Permanent Road Access Easements without the prior written permission of Rover. In the event the terms of this paragraph are violated, Rover shall have the immediate right to correct or eliminate such violation at the sole expense of Defendants.

40. Rover has the right from time to time on the Permanent Pipeline Easements, Surface Site Easements, and/or the Permanent Road Access Easements to trim, cut down or

eliminate trees or shrubbery as may be necessary to prevent possible interference with the operation of the Facilities and to remove possible hazards thereto, and, except as provided in paragraphs 37 and 39, the right to remove or prevent the construction of any and all buildings, structures, reservoirs or other obstructions on the Permanent Pipeline Easements and/or the Permanent Road Access Easements that, in the sole judgment of Rover, may endanger or interfere with the efficiency, safety or convenient operation of the Facilities. From and after the completion of initial construction, Rover shall pay any damages that may arise to growing crops, timber, fences, and other improvements from the construction, maintenance, and operation of the Facilities, provided that Rover shall not be responsible for paying damages for its removal of any trees or brush (but not growing crops) or other obstructions from the Permanent Pipeline Easements or for its removal of any trees or brush or other obstructions from the Permanent Road Access Easements as part of its routine operations to maintain thereof free from obstructions. Rover shall maintain the Permanent Pipeline Easements, Surface Site Easements, and/or the Permanent Road Access Easements, the Temporary Workspace Easements (while same remain in effect), and Temporary Road Access Easements (while same remain in effect) clear of all litter and trash accumulations.

41. Rover does not seek to acquire any royalty, working, revenue, overriding, or other oil, gas, or mineral interests. Defendants shall, to the extent owned by Defendants, retain all the oil, gas, and other minerals in, on, and under the Parent Tracts, including within the Easements; provided, however, Defendants shall not be permitted to drill or operate equipment for the production or development of oil, gas, and minerals within or on the Permanent Pipeline Easements, Surface Site Easements and/or the Permanent Road Access Easements, but Defendants shall be permitted to extract the oil, gas, and minerals from and under same by

drilling and other means, so long as such activities do not damage, destroy, injure, and/or interfere with Rover's use, operation, and maintenance of the Facilities or Rover's use of said Easements for the purposes for which same are sought by Rover.

42. Upon completion of construction, permanent fencing and tiling destroyed or disturbed by project construction activities shall be repaired and/or re-installed by Rover, at its sole expense, along substantially the same alignment, configuration, and approximate location of the Defendants' existing fences and tiling system.

43. Rover agrees that it will fully and timely comply with all federal laws, regulations, certificates, plans, and procedures as approved by a federal agency or any other Federal rules that apply to construction and operation of the Pipeline or Pipelines.

44. Rover shall have the right to adequately mark the Pipeline or Pipelines with permanent line markers, ground placards, and test leads in order to promote public safety and the future safe operation of said pipeline, and to meet applicable governmental regulations.

45. Notwithstanding anything to the contrary herein, Rover (except for facilities on Surface Site Easements, electric poles on Permanent Road Access Easements and pipeline markers and cathodic test leads on Permanent Pipeline Easements, which will be placed within the Permanent Pipeline Easements at road crossings, property boundaries or existing fence lines intersected by the Pipeline or Pipelines, unless required by applicable regulations to be placed at other locations within the Permanent Pipeline Easements, and pipeline vents which will be placed within the Permanent Pipeline Easements at road crossings, where required), will not construct, build, install, maintain or have any above ground structures, installations, equipment or apparatus of any kind on or within the boundaries of the Permanent Pipeline Easements or

Permanent Road Access Easements (except for power poles and lines and communication cables and facilities).

46. Rover hereby agrees to indemnify and hold Defendants harmless from and against any claim or liability or loss from personal injury, property damage resulting from or arising out of the use by Rover, its contractors, servants, agents or invitees, of the Easements, excepting, however, any and all claims, liabilities or damages as may be due to or caused by the acts of a Defendant or his/her/its servants, agents or invitees.

47. Rover shall comply in all respects, at its sole cost, with all applicable federal, state, and local laws, rules, and regulations which are applicable to Rover's activities hereunder, including, without limitation, the construction, use, operation, maintenance, repair, and service of the Facilities.

48. Rover shall have the right to assign its Easements to the extent allowed by applicable law, and the rights granted hereunder while in effect, may be assigned in whole or in part, to one or more assignees. The Permanent Easements sought hereunder shall be in perpetuity, and the easement provisions of this Verified Complaint, including all benefits and burdens, shall be covenants running with the land and shall be binding on Rover and Defendants and their respective successors and assigns.

49. It is in the public interest and necessity, as evidenced by the Certificate, that the Easements as certificated by FERC and described herein and in **Exhibit A** be condemned for the public purposes herein described.

50. The intended uses of the Easements to be taken are within the authority conferred by the Certificate.

51. Pursuant to Federal Rule of Civil Procedure 65(c), Rover will deposit into the

Court's registry the amount required by the Court as security for the compensation that will ultimately be awarded for the Easements sought, and subject to the withdrawal by Defendants on terms specified by this Court.

Count Two: Declaratory Relief

52. Rover incorporates by reference paragraphs 1 through 51.

53. Rover requests the Court to declare, pursuant to 28 U.S.C. § 2201, and the Certificate issued by FERC, pursuant to the Natural Gas Act, that Rover has the substantive right to exercise eminent domain over and condemn the Easements as outlined in this Verified Complaint and in the Certificate.

Count Three: Injunctive Relief

54. Rover incorporates by reference paragraphs 1 through 53.

55. Rover seeks an order granting it immediate entry upon the Easements identified herein.

56. Immediate access and entry is necessary so that Rover can timely place the Rover Project in service to meet the needs of Rover's shippers and their customers, while at the same time complying with the applicable regulations and Rover's obligations set forth in the FEIS and Certificate.

57. Rover will, upon Court order, post an appropriate bond reflective of the total estimate of just compensation due to Defendants for the acquisition of the Easements. As a result, Defendants will not be harmed in any way.

58. Rover has the right to condemn the Easements pursuant to the Certificate issued pursuant to the Natural Gas Act and, therefore, Rover is substantially likely to prevail on the merits of the taking.

59. The Certificate establishes that the Rover Project and acquisition of the Easements is in the public interest.

60. Accordingly, Rover requests the Court to enter an order granting injunctive relief to permit Rover the right of immediate entry and access upon the Easements to commence and complete construction of the Rover Project.

Civil Rule 71.1(d) Notices

61. Pursuant to Federal Rule of Civil Procedure 71.1(d)(1), Rover is delivering to the clerk the requisite notices to the Defendants named herein, as identified in **Exhibit A**.

WHEREFORE, Rover respectfully prays that this Honorable Court:

- a. Order that the Notice be served on Defendants in a manner set forth by Federal Rule of Civil Procedure 71.1(d)(3);
- b. Recognize and declare Rover's right to appropriate, through eminent domain, the Easements;
- c. Enter an order granting Rover immediate entry onto the Easements identified and described herein prior to the determination of just compensation upon the posting of security required by the Court to begin pre-construction activities and construction of the Facilities while the issue of just compensation for the taking is resolved in this Court;
- d. Appoint a commission for the determination of just compensation on the takings pursuant to Federal Rule of Civil Procedure 71.1(h)(2);
- e. Enter judgment and order(s) of taking in favor of Rover condemning the Easements identified and described herein; and
- f. Issue all necessary and/or appropriate orders and decrees, and for all other general, equitable, and legal relief as the Court deems just and proper.

Respectfully submitted February 3, 2017.

/s/ Lori A. Dawkins

Lori A. Dawkins (WV Bar #6880)

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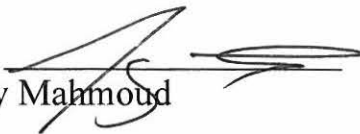
Counsel for Plaintiff Rover Pipeline LLC

VERIFICATION

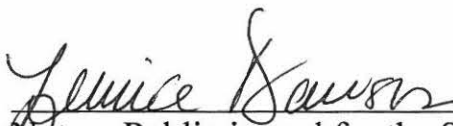
STATE OF TEXAS :
 : SS
COUNTY OF HARRIS :

I, Joey Mahmoud, after being duly sworn, depose and state:

1. I am the Executive Vice-President of Engineering and Construction for Energy Transfer Partners and Senior Vice President of Engineering for Rover Pipeline LLC on the Rover Project.
2. I am the person responsible for supervising Rover's efforts to acquire the Easements and other interests needed for the Rover Project and overseeing overall construction of the Rover Project.
3. I am authorized and qualified to make this verification on behalf of Rover based on my personal knowledge of the factual matters set forth in the above Verified Complaint.
4. I have read the foregoing Verified Complaint and am familiar with its contents.
5. The statements of fact contained in the Verified Complaint are within my personal knowledge and are true and accurate.

By: 
Joey Mahmoud

Sworn to and subscribed before me this 3rd day of February, 2017.


Notary Public in and for the State of Texas

